

LOCAL RULE COVERSHEET

This coversheet must be attached or included with all local rule submissions to the Division of State Court Administration.

County: Vanderburgh

Courts Included: All Superior Courts and Circuit Court

Contact Name / Phone Number: Kelly Ward 435-5433

Are the attached rules:

☐

Previously enacted with no changes and submitted solely for posting to the Internet;

X

Newly revised or redrafted and submitted for posting to the Internet and comment:

☐

A mixture of prior rules and new revisions.

Do any of the rules contained in this packet:

☐

Make changes to local rules pursuant to Crim. R. 2.2

☐

Make changes to local rules pursuant to Trial R. 79

X

Make changes to local rules with respect to caseload allocation and Weighted Caseload

☐

Makes changes to local rules for court reporters pursuant to Admin.R.

STATE OF INDIANA – COUNTY OF VANDERBURGH
IN THE VANDERBURGH CIRCUIT AND SUPERIOR COURTS

**Notice of Proposed Amendment of local Rule for a Caseload Allocation Plan for the Courts of Record
of Vanderburgh County**

May 12, 2008

In accordance with Administrative Rule 1 (E) of the Indiana Court Rules, the Vanderburgh Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rules setting forth the caseload allocation plan for the courts of record of Vanderburgh County, effective January 1, 2009. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Local Rules for caseload allocation plans pursuant to Admin. R. 1 (E) require Supreme Court approval and may not take effect until approved by the Supreme Court.

In accordance with Trial Rule 81(b), the time period for the bar and the public to comment shall begin on June 1, 2008, and shall close on June 30, 2008. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2008, and the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2008.

Comments by the bar and the public should be made in writing and mailed to:

Kelly Ward, Court Administrator, Vanderburgh Superior Court, Attn: Public Comment on Local Rules,
Rm 114 Courts Bldg, Civic Center Complex, 825 Sycamore St, Evansville, IN 47708.

A paper copy of the proposed amended local rule for Caseload Allocation Plan will be made available for viewing in the office of the Clerk of Vanderburgh County, Rm 216 Courts Bldg, Civic Center Complex, 825 Sycamore St, Evansville, Indiana and also in the William H. Miller Law Library, Room 207 Courts Bldg, Civic Center Complex during normal business hours. Persons with internet access may view the proposed amended local rule for Caseload Allocation Plan at the following websites:

www.vanderburghgov.org or <http://www.in.gov/judiciary/rules/local>

Carl A. Heldt, Judge

Vanderburgh Circuit Court

Robert J. Pigman, Judge

Vanderburgh Superior Court

RULES OF THE VANDERBURGH CIRCUIT AND SUPERIOR COURTS

LR82-TR81-1.01

Applicability, Effective Date, and Designations

These rules apply to all litigants whether or not represented by counsel. These rules shall be effective beginning January 1, 2007, and supersede all rules or parts of rules previously followed by these Courts. Each rule applies to both Circuit and Superior Courts, except where one Court's designation ("C" for Circuit and "S" for Superior) appears in the last set of characters in a rule number, in which case that rule applies only to the designated Court.

LR82-AR00-S1.02

Organization of Superior Court

~~—— (A) Divisions. The Vanderburgh Superior Court shall be divided into seven (7) divisions and identified as follows:~~

- ~~—— (1) Division One: Civil~~
- ~~—— (2) Division Two: Criminal~~
- ~~—— (3) Division Three: Civil~~
- ~~—— (4) Division Four: Domestic Relations~~
- ~~—— (5) Division Five: Civil~~
- ~~—— (6) Division Six: Small Claims and Misdemeanor Traffic~~
- ~~—— (7) Division Seven: Juvenile and Probate~~

~~—— Divisions One through Five shall be presided over by six (6) Judges who shall rotate through these divisions on a monthly basis. Division Six shall be presided over by the Magistrates subject to the supervision of one of the Judges. Division Seven shall have assigned thereto a Judge who will serve for a minimum of one (1) year. Judges shall use their Division Six rotation to serve as backup for Division Two.~~

~~—— (B) Chief Judge and Judges of~~

~~**Superior Court.** There shall be a Chief Judge elected on a date between January 1 and January 31 of each year by the Judges who shall begin his/her term as the Chief Judge on the following February 1st. The Chief Judge will be primarily responsible for the efficient and expeditious operation and conduct of the Court. In the absence of the Chief Judge, the Judge sitting in Division One shall act as temporary Chief Judge.~~

~~—— The following Courts shall have Judges elected as supervisors on a yearly basis: drug court, misdemeanor and traffic, small claims and domestic relations. Each Judge so selected shall be responsible for the efficient and expeditious operation of that Court. Each supervisor shall report periodically to the Chief Judge and all other Judges any change in the current operations of that Court. There shall be appointed each year a Supervisor of Information and Technology to oversee and assure the Court's compliance with Administrative Rule 9.~~

Case Allocation Plan

(A) Balance within Superior Court.

The Vanderburgh Superior Court is divided into seven Divisions as follows:

1. Division I – Civil
2. Division II – Criminal
3. Division III – Civil
4. Division IV – Domestic Relations
5. Division V – Civil
6. Division VI – Criminal, Small Claims and Misdemeanor/Traffic
7. Division VII – Juvenile and Probate

Divisions I through VI are presided over by six of the Judges who rotate through these Divisions on a monthly basis.

Division VII is presided over by a single Judge. This assignment is a one year minimum assignment.

All Felony criminal cases (MR, FA, FB, FC, FD) and civil cases (PL, MF, CC, CT, MI, PO) are assigned to one of the six rotating Judges by blind lot in the order presented for filing. The County utilizes Court View 2000 software package which evenly distributes the cases among the Judges. This software also adjusts the new case assignments to account for recusals so that every attempt is made to evenly distribute the case load among the six rotating Judges. All miscellaneous felony criminal matters (MC) are assigned to Division II. Each Judge rotates through this Division for a one month period, according to the schedule set out in the first paragraph, so that each Judge serves two non-consecutive months a year in this Division. The Judge serving in Division VI also serves as a backup for Division II.

All Domestic Relations (DR) matters are assigned to Division IV. Each Judge rotates through this Division for a one month period according to the schedule set out in the first paragraph, so that each Judge serves two non-consecutive months a year in this Division. In addition, four Magistrates rotate through this Division so that each Magistrate presides in Division IV for three non-consecutive months a year.

All Misdemeanor and Traffic (CM, IF) cases are assigned to Division VI. These cases are presided over by four Magistrates subject to the supervision of one of the Judges. The Magistrates rotate through on a monthly basis

serving three non-consecutive months a year.

All Small Claims (SC) and Ordinance Violation (OV, OE) cases are assigned to Division VI. These cases are presided over by four Magistrates subject to the supervision of one of the Judges. The Magistrates rotate through on a monthly basis serving three non-consecutive months a year. There is an assignment of one Magistrate to hear all OE cases in a court set up and named "Housing Court".

Mental Health cases are also assigned to Division VI and are heard by the presiding Judge or Magistrate presiding in Small Claims for that month.

All Probate and Juvenile matters (JS, JT, JP, JM, AD, AH, ES, EU, GU, TR, JC, JD) are assigned to Division VII. This Court is presided over by the Judge who does not participate in the rotation schedule set out in paragraph one. There is one Magistrate assigned to Juvenile Court. This Magistrate assignment is a one year minimum assignment.

The rotating schedules and the use of the Court View 2000 software creates a nearly as is possible a completely even distribution of the work load within Superior Court.

(B)Balance between Circuit and Superior Courts. The Circuit Court hears both civil and felony criminal cases. After a review of the Weighted Caseload Study for both Circuit and Superior Courts, the Judges of both Courts have unanimously agreed that no

adjustment between the Courts is necessary for the following reasons:

1. The random method of assigning newly filed felony cases to Circuit or Superior Court, as adopted by both Courts, assigns four cases to Circuit Court for every three cases that are assigned to Superior Court. This results in Circuit Court being assigned more felony cases, including more serious felony cases, than Superior Court. This results in a heavier criminal jury trial schedule in Circuit Court.
2. Circuit Court assumes responsibility for and administers all Grand Juries called to hear cases in Vanderburgh County.
3. Circuit Court administers the Adult Felony Probation Department for both Courts.
4. Circuit Court administers the Alcohol Intensive Supervision Program and the Drug Intensive Supervision Program for both Courts.
5. Recognition by the Judges of both Courts that the general administration responsibilities of Superior Court are shared by seven Judges while the Circuit Court Judge assumes the total burden of these duties for Circuit Court. The Judges of the Vanderburgh Circuit and Superior Courts unanimously believe that the current procedures comply with the Order for Development of Local Caseload Plans.

Assignment of Judges within Superior Court

(A) Chief Judge and Judges of Superior Court. There shall be a Chief Judge elected on a date between January 1 and January 31 of each year by the Judges who shall begin his/her term as the Chief Judge on the following February 1st. The Chief Judge will be primarily responsible for the efficient and expeditious operation and conduct of the Court. In the absence of the Chief Judge, the Judge sitting in Division One shall act as temporary Chief Judge.

The following Courts shall have Judges elected as supervisors on a yearly basis: drug court, misdemeanor and traffic, small claims and domestic relations. Each Judge so selected shall be responsible for the efficient and expeditious operation of that Court. Each supervisor shall report periodically to the Chief Judge and all other Judges any change in the current operations of that Court. There shall be appointed each year a Supervisor of Information and Technology to oversee and assure the Court's compliance with Administrative Rule 9.

(B) Superior Court Rotation.

Superior Court Judges shall rotate their sitting in the respective Divisions of this Court consecutively in numerical order. The rotation shall commence on the first Monday of each month. Any new Judge replacement shall sit in the Division of the Judge whom he/she replaces unless otherwise agreed by majority vote of the Court as a whole. The Court, by a date not later than the first day of December or the first business day thereafter, shall publish a schedule of the sessions of this Court for the following calendar year of the Court together with the names of the Judges who will be sitting in the Divisions of this Court during each session thereof similar to Appendix B as

attached hereto.

LR82-AR00-S1.04

Assignment and Disposition of Civil Cases in Superior Court

All Civil cases shall, upon being filed in the office of the Clerk, be assigned in the following manner:

(A) Assignment. Each Civil Case shall be assigned to one of the six (6) rotating Judges by blind lot in the order presented for filing. The Judge assigned to each case shall have responsibility for all proceedings in that case including hearings of all motions, arguments and petitions. All emergency matters shall be heard by the assigned judge unless he/she is unable to do so, in which case he/she may refer the matter to another Judge. Where the assigned Judge is unavailable to refer the matter, such emergency matter may be heard by any other Judge.

(B) Transfer Within County. Where a case originates in the Small Claims, Juvenile or Probate Divisions and is transferred to the Civil Division, the clerk shall assign such case to a specific Judge in the same manner as in other Civil Cases.

(C) Transfer from Another County. All Civil cases transferred to this Court from another County shall be assigned by the Clerk as provided by the rules stated herein for the assignment of Civil Cases.

LR82-SC00-S1.05

Superior Court Small Claims

All Small Claims matters are assigned to Division Six wherein the following Rules will apply:

(A) Service. On first appearance the Court will not allow service of process to be sent to the defendant's employer. On Proceeding Supplemental the Court will consider proper service for the purpose of

obtaining an order of garnishment when service is good upon the employer, even though service may not be good upon the defendant. When the employer refuses service, it can be considered sufficient service for the purpose of an order of garnishment only. Service may be obtained by a process server if an affidavit of service is filed.

(B) Attorney Fees. Attorney's fees are awarded solely for the principal amount of the debt.

(C) Claim for Insufficient Funds. Upon filing of a claim for insufficient funds on bad checks where multiple statutory remedies are available, the claimant should elect which remedy is being requested and list the same on the statement of claim.

(D) Proceedings Supplemental - Judgment Entry. Parties must wait seven (7) days after obtaining a judgment before filing a Proceedings Supplemental, and the Judgment Entry must be filed with the Court prior to the Proceedings Supplemental being filed.

(E) Proceedings Supplemental - Hearings. Proceedings Supplemental hearings shall not be continued for progress after an order of garnishment or a personal order of garnishment has been obtained. To proceed on an information for contempt, a Proceedings Supplemental must have been filed and an order of garnishment or personal order of garnishment obtained.

(F) All Cases To Have Future Date. No cases will be continued without date.

LR82-TR63-S1.06

Superior Court Judges Pro Tempore

All appointments of Superior Court Judges Pro Tempore shall be made by the Chief Judge or by the Judge assigned to the Division wherein the pro tem will sit.

LR82-TR79-1.07

Special Judge

In the event a Special Judge does not accept a case under Sections D, E, F, of TR 79, or a Judge of Circuit or Superior Court disqualifies or recuses under Section C of that rule, the case shall be referred to the Court Administrator of the Vanderburgh Superior Court for random reassignment to one of the non-recusing elected Judges of Vanderburgh County in both Circuit and Superior Courts.

LR82-AR11-1.08

Format of Filings

Pleadings, motions and other papers shall be either legibly printed or typewritten on white opaque paper of at least sixteen (16) pound weight, eight and one-half (8 ½) inches wide and eleven (11) inches in length. All copies shall likewise be on white paper of sufficient strength and durability to resist normal wear and tear. If typewritten, the lines shall be double spaced, except for quotations, which shall be indented and single spaced. Script type shall not be used. Margins shall be at least 1 inch. Type face shall be 12 or larger in body, text, and footnotes.

LR82-TR00-1.09

Filing of Pleadings, Motions and Other Papers

All pleadings, motions and other papers shall be prepared in accordance with the provisions of the Indiana Rules of Trial Procedure. For the purpose of uniformity and convenience, the following requirements shall also be observed:

(1) All pleadings, subsequent to the original complaint, shall be filed in the office of the Judge to whom the case is assigned at any time during the office hours established by the Court. All orders

submitted to the Court shall be in sufficient number and shall be accompanied by postage paid envelopes addressed to each party or counsel of record.

(2) All appearances by attorneys shall be filed in writing, together with proof of mailing or delivery thereof on counsel of record in compliance with Indiana Rules of Procedure.

(3) All filings shall be accompanied by a minute sheet which shall contain the number of the cause, the date, the suggested docket entry and a certificate of proof of service or copies. This minute sheet shall be signed by counsel or Pro Se Party, dated, stamped and filed with the Court. The Court may in its discretion, amend any such form of entry.

(4) All order book entries shall contain in their title the date for which said entry was made. A copy of all entries, which result from a hearing or trial, shall be submitted to the opposing counsel at least three (3) days before being presented to the Court.

(5) All pleadings filed and served upon opposing parties shall be clear and legible.

(6) No pleading other than a copy thereof shall be taken from the file. Any person taking any portion of the Court's files shall be deemed to be in contempt of Court. Upon request, the Clerk or Court shall (subject to Administrative Rule 9) furnish anyone with a copy of all or any part of such files upon payment of a reasonable charge therefore.

LR82-TR10-1.10

Form of Pleading

(A) **Caption.** Every pleading shall contain a caption setting forth the name of the Court, the Division and Room Number, the title of the action and the file number.

(B) Titles. Titles on all pleadings shall delineate each topic included in the pleading, where a pleading contains an Answer, a Motion to Strike or Dismiss or a Jury Request each shall be set forth in the title.

LR82-TR5-1.11

Verification of Service on Opposing Party

In all cases where any pleading or other document is required to be served upon an opposing party, proof of such service shall be made either by:

(1) A certificate of service signed by counsel of record or pro se party which specifies by name and address all counsel or parties upon whom the pleading or document was served, or

(2) An acknowledgment of service signed by the party served or counsel of record.

LR82-TR5-1.12

Verification of Trial Rule 5 Pleadings

All Court Records (pleadings or documents) filed by any party or their attorneys shall contain a verification certifying that the court records comply with the filing requirements of Trial Rule 5 (G) applicable to information excluded from the public record under Administrative Rule 9 (G). A certification in substantially the following language shall be sufficient:

I/We hereby certify that the foregoing or attached Court Record or document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative Rule 9(G).

(Signed by party or counsel of record)

LR82-TR6-1.13

Extensions of Time

(A) Standard Time Limits Apply.

The time limits set out in these local rules, where allowable under the Indiana Rules of Trial Procedure, may be extended by order of the Court.

(B) Extensions. In all civil cases, each party required to respond to a complaint, counterclaim, or cross-claim, may obtain an automatic thirty (30) day extension of time to plead or otherwise respond to such claim by filing a Notice of Extension with the Court and serving a copy of the same upon all parties. Requests for additional extensions of time must be made by motion and hearing unless agreed to by the parties.

LR82-AR00-1.14

Attorney Promptness

Attorneys are expected to be prompt in their attendance at matters assigned for hearing. Failure to appear promptly or to notify the Court of an inability to attend a hearing at the time and place indicated may result in imposition of sanctions allowable and deemed appropriate by the Court.

LR82-TR3.1-1.15

Attorney's Withdrawal

(A) Withdrawals Must Be in Writing. All withdrawals of appearance of counsel shall be in writing and by leave of Court. Leave of Court shall be granted only upon the following circumstances:

(1) The filing of an appearance by new counsel for said client; or

(2) Upon notice and hearing of the Petition for Leave to Withdraw, which said notice of hearing shall be served on the client at least 10 days prior to the hearing on the Petition for Leave to Withdraw. The

Notice to the client shall include a copy of the Petition for Leave to Withdraw. Notice to the client shall also inform the client that the client can obtain new counsel or the client can represent himself/herself, if permissible, and that the client is required to notify the Court within 30 days of the withdrawal of the client's decision. The Notice shall also include the name of the Judge assigned to the case and the address of the Court with information sufficient to advise the client that a failure to respond may result in the dismissal of the matter before the Court. Proof of service of the Notice shall be made by certified mail, return receipt, to be filed with the court on or before the date of the hearing.

(B) Withdrawal Petition

Requirements. A Petition for Leave to Withdraw shall include the following:

- (1) The last known address and telephone number of the client;
- (2) The date the case is assigned for trial, if any;
- (3) A statement of any current motions pending before the Court and
- (4) A statement of the status of the case, including a verified statement that all entries have been filed.

LR82-TR12-1.16

Motions and Petitions

(A) Briefs for Motions and Petitions

(1) A Motion to Dismiss under Rule 12 of the Indiana Rules of Trial Procedure, for Summary Judgment, for judgment on a pleading, for more definite statement, or to strike, shall be accompanied by a separate Supporting Brief. The adverse party shall have thirty (30) days after service of the initial brief within which to serve and file an

Answer Brief, and the moving party shall have fifteen (15) days after service of the Answer Brief within which to serve and file a Reply Brief. With respect to all other motions, the adverse party shall have fifteen (15) days after service thereof within which to serve and file a response thereto, and the moving party shall have seven (7) days after service of such response within which to serve and file a reply thereto. If multiple motions are within the same filing, said motions shall be separated by identity in the title.

(2) The provision of this rule requiring a separate Supporting Brief shall apply to every defense asserted pursuant to Rule 12 (b) of the Indiana Rules of Trial Procedure, whether asserted in the responsive pleading or by separate motion.

(3) Each party shall supply a proposed Order with the Brief or Reply.

(B) Motions for Summary Judgment

(1) Any Motion for Summary Judgment shall be filed no later than one hundred twenty (120) days before the trial date.

(2) In addition to a separate Supporting Brief, there shall be served and filed with each Motion for Summary Judgment a statement of material facts as to which the moving party contends there is no genuine issue, proposed Conclusions of Law, and a proposed Summary Judgment.

LR82-TR16-1.17

Scheduling Conference

(A) Scheduling Conference Meeting. Upon the closing of the issues in civil cases, the Court may order or the parties may request a Scheduling Conference. At the Scheduling Conference, the Court shall establish deadlines and time

limits to ensure the progress of the litigation and will enter a Scheduling Order similar to that contained in Appendix A. To the extent that the parties are in a position to discuss and/or apprise the Court of any of the situations set forth below they should do so.

(1) Whether there is a question of jurisdiction over the person or the subject matter of the action;

(2) Whether all parties, plaintiff or defendant, have been correctly designated;

(3) Whether there are any questions concerning the joinder of parties or claims;

(4) Whether a third party complaint or impleading petition is contemplated;

(5) Whether there is a question of appointment of a guardian ad litem, next friend, administrator, executor, receiver or trustee;

(6) The time reasonably required for the completion of discovery;

(7) Whether there are pending motions;

(8) Whether a trial by jury has been timely demanded;

(9) Whether separation of claims, defenses, or issues would be desirable, and if so, whether discovery should be limited to the claims, defenses, or issues first to be tried;

(10) Whether related actions are pending or contemplated in any Court;

(11) The estimated time required for trial;

(B) Items Included in Scheduling Order. The Scheduling Order will include, among other things, a date certain for a Pre-Trial Conference. The dates contained in the Court's Scheduling Order may be amended by the Court on its own motion or at the request of one or more of the parties.

LR82-TR16-1.18

Pre-Trial Conference

The normal Pre-Trial requirements are set forth in Rule 16 of the Indiana Rules of Civil Procedure. The counsel who will try the lawsuit shall attend the Pre-Trial

Conference in person and be prepared to discuss the following:

(1) Whether the parties are prepared to proceed to trial;

(2) Whether mediation has occurred;

(3) Whether there are pending motions;

(4) The progress of each party in obtaining stipulations of fact and authenticity of exhibits;

(5) A statement as to whether the parties are willing to waive their jury request;

(6) Whether the Court may assist in the settlement of the case;

(7) Any significant evidentiary issues;

(8) Any other matters of which the Court should be advised.

LR82-TR33-1.19

Interrogatories

A party may, without leave of Court, serve upon another party up to thirty (30) interrogatories including sub-parts.

Any party desiring to serve additional interrogatories upon another party, shall first file a written motion with the Court, identifying the proposed additional interrogatories and setting forth the reasons demonstrating good cause for their use.

LR82-TR16-1.20

Trial Briefs and Motions In Limine

Unless ordered otherwise at the scheduling conference, trial briefs and motions in limine may be furnished to the Court by the parties at least two (2) weeks prior to the Pre-Trial Conference. Copies of any such trial briefs and motions in limine shall be furnished to opposing counsel and served in the same manner as other pleadings. Opposing counsel, after having been so served, shall have seven (7) days to file any response and shall serve the other party in the same manner as other pleadings.

LR82-TR51-1.21

Instructions

At the pre-trial conference, counsel for each party shall tender a proposed "issues" instruction (see Indiana Pattern Jury Instruction 1.03). They shall also be prepared to present and discuss any non-routine preliminary or final instructions. Other proposed preliminary or final instructions may be presented to the Court and shall be served upon opposing counsel on the first day of trial. Additional or amended final instructions may be presented upon a showing of good cause or in order to conform the instructions to the evidence at trial.

LR82-TR55-1.22

Default Judgments - Attorneys Fees

Application for default judgment requesting an allowance of attorney's fees shall be accompanied by an affidavit executed by the attorney requesting the fee. The affidavit shall be in a form and substance to enable the Court to determine if attorney's fees are appropriate, and if so, the reasonable amount thereof. Said affidavit shall support the request by setting forth the authority for the Court to award attorney's fees (e.g. contract, statute, etc.) and the basis upon which the proposed fees are computed, such as the number of hours employed and the number of hours anticipated that will be employed pursuing satisfaction of judgment. In the absence of an affidavit there shall be no attorney's fees allowed.

LR82-TR69-1.23

Post-Judgment Proceeding

(A) Entry of Final Decree Required. No post-judgment proceedings shall be instituted until there is a final decree or judgment entered of record with the Vanderburgh County Clerk's Office. The Court may waive this requirement where it is shown a party is being unduly harmed by its enforcement.

(B) Waiting Period. After Judgment

is obtained and an entry is filed with the Court, parties may file Proceedings Supplemental. Parties must wait seven (7) days after obtaining a judgment before filing Proceedings Supplemental with the Court.

(C) Hearings on Proceedings

Supplemental. Proceedings Supplemental hearings shall not be continued for progress after an order of garnishment or a personal order of garnishment has been obtained. To proceed on an information for contempt, a Proceedings Supplemental must have been filed and an order of garnishment or personal order of garnishment obtained. No cases will be continued without date.

LR82-AR7-1.24

Custody, Disposition and Withdrawal of Original Records and Exhibits

(A) Governed by Local Rules.

Except as provided for in Administrative Rule 7, the custody, distribution, and withdrawal of original records and exhibits shall be governed by this rule.

(B) Court Reporter Maintains

Custody. After being marked for identification, models, diagrams, exhibits and materials offered or admitted into evidence in any cause pending or tried in this Court shall be placed in the custody of the Court Reporter, unless otherwise ordered by the Court, and shall not be withdrawn until after time for an appeal has run or the case is disposed of otherwise. Should an appeal be taken, such items shall not be withdrawn until the final mandate of the reviewing Court is filed in the office of the Clerk, and until the case is disposed of as to all issues unless otherwise ordered.

(C) Retrieval. Subject to provisions of subsection A, B and D hereof, unless otherwise ordered, all models, diagrams, documents, exhibits or material placed in custody of the Court shall be retrieved by the party offering them in evidence within ninety (90) days after the case is decided. In cases in which an appeal is taken, said items shall be removed within thirty (30) days

after the case is disposed of as to all issues, unless otherwise ordered. At such time of removal, a detailed receipt shall be provided by the party retrieving the evidence and filed in the cause. No motion or order is required as a prerequisite to the removal of an exhibit pursuant to this subpart.

(D) Disposal of Unretrieved Items.

If the parties or their attorneys shall neglect to remove models, diagrams, exhibits or material within sixty (60) days of when the case is disposed of, the Court may direct disposition of the same.

(E) Contraband. Contraband exhibits, such as controlled substances, money and weapons shall be released to the investigative agency at the conclusion of the trial and not placed in the custody of the Court Reporter. A receipt shall be issued and a photograph substituted when such contraband exhibits are released.

(F) Withdrawal. Except as otherwise herein provided, with respect to the dispositions of models and exhibits, no person shall withdraw any original paper, pleading, record, model or exhibit from the custody of the Clerk or other office of the Court having custody thereof except by order of the appropriate Judge.

LR82-AR9-1.25

Access to Court Records

(A) Information Excluded from Public Access. The following information is excluded from public access and is confidential:

(1) Information that is excluded from public access pursuant to Federal Law,

(2) Information that is excluded from public access pursuant to Indiana Statute or Court Rule,

(3) All personal notes, email and deliberative material of judges, jurors and court staff, judicial agencies, and information recorded in personal data assistants (PDA's) or organizers and personal calendars,

(4) Diaries, journals or other

personal notes serving as the functional equivalent of a diary or journal, pursuant to Ind. Code 5-14-3-4(b)(7),

(5) Advisory or deliberative material created, collected or exchanged by, between or among Judges, including journals or minutes of Judge's Meetings, and

(6) Information excluded from public access by specific court order.

(B) Access to Information Excluded From Public. Access to information which is excluded from public access and is confidential may not be accessed without the prior written authorization of the Judge supervising that office or department which created or archived that information. In some instances, access will require authorization from all Judges of Vanderburgh County.

LR82-AR15-1.26

Court Reporters

(A) Definitions. The following definitions shall apply under this Local Rule:

(1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording, storing and transcribing electronic data.

(3) Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(4) Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(5) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Trial Procedure 74.

(6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each week.

(7) Gap hours worked means those hours worked that are in excess of the regular hours worked but not in excess of forty (40) hours per work week.

(8) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.

(9) Work week means a seven (7) consecutive day week that consistently begins and ends on the same day throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Vanderburgh County.

(11) County indigent transcript means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(12) State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of litigant who has been declared indigent by a court.

(13) Private transcript means a transcript, including but not limited to a deposition transcript that is paid for by a private party.

(B) Salaries and per page fees.

(1) Court reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours, or overtime hours. The supervising court shall enter into a

written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be Four Dollars and Twenty-five Cents (\$4.25) for appellate transcripts and Three Dollars and Seventy-five Cents (\$3.75) for all other transcripts. The Court Reporter shall, after approval by the Court, submit a claim directly to the county for the preparation of any county indigent transcripts. All transcripts will be subject to a minimum fee of Thirty-five Dollars (\$35.00).

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be Four Dollars and Twenty-five Cents (\$4.25) for appellate transcripts and Three Dollars and Seventy-five Cents (\$3.75) for all other transcripts. All transcripts will be subject to a minimum fee of Thirty-five Dollars (\$35.00).

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be Four Dollars and Twenty-five Cents (\$4.25) for appellate transcripts and Three Dollars and Seventy-five Cents (\$3.75) for all other transcripts. All transcripts will be subject to a minimum fee of Thirty-five Dollars (\$35.00).

(5) The maximum per page fee a court reporter may charge for the preparation of copies of a transcript shall be One Dollar and Fifty Cents (\$1.50).

(6) An additional labor charge of Twenty Dollars (\$20.00) per hour may be charged for the time spent binding the transcript and exhibit binders which reflect an approximate average of the annual Court Reporters' salaries in Vanderburgh County.

(7) An additional \$1.50 per page fee

may be charged for the preparation of an expedited transcript (one which is to be completed within 10 calendar days).

(8) Each court reporter shall report, at least on annual basis all transcripts to the Indiana Supreme Court Division of State of Court Administration. The reporting shall be made on forms prescribed by the Division of State of Court Administration.

(C) Private Practice

(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement

which must, at a minimum, designate the following:

(a) The reasonable market rate for the use of equipment, work space and supplies,

(b) The method by which records are to be kept for the use of equipment, work space and supplies, and

(c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

APPENDIX A SCHEDULING CONFERENCE ORDER

The parties, by their respective attorneys, reviewed the issues of the cause with the Court at a scheduling conference, and it appearing that the above litigation is at issue, the Court enters the following Order.

1. _____ shall be the date by which all parties shall have completed discovery of the issues in this cause or shall have filed their Motion to Compel Discovery.

2. _____ shall be the date when plaintiff shall have filed with the Court, and served upon opposing counsel, the specific acts of alleged negligence and/or other specific acts of breach or otherwise that the plaintiff intends to produce evidence upon at the trial.

3. _____ shall be the date by when the plaintiff shall file with the Court and serve on opposing counsel a list of plaintiff's prospective witnesses and exhibits together with an itemization of damages the plaintiff intends to produce evidence upon at the time of trial.

4. _____ shall be the date by when the defendant shall file with the Court and serve upon opposing counsel the specific acts constituting defenses alleged by the defendant that the defendant intends to produce evidence upon at the time of trial.

5. _____ shall be the date by when the defendant shall file with the Court and serve upon opposing counsel a list of defendant's prospective witnesses and exhibits together with an itemization of damages, if any, upon any Counterclaim which the defendant intends to produce evidence upon at the time of trial.

6. _____ shall be the date by when the plaintiff supplements or amends any data furnished as required above.

7. _____ shall be the date when any party may file a Motion for Summary Judgment upon pleadings and issues for trial.

8. _____ shall be the date when each party shall notify the Court that a settlement of issues is not successful and the trial date is confirmed.

9. _____ shall be the date when any party is to update their itemization of damages they intend to present evidence upon at the time of trial and for the filing of any Motions in Limine.

10. _____ shall be the date by when each party shall submit to the Courts its Proposed Preliminary, if any, and its Final Instructions for the Jury.

11. _____ shall be the date on which this cause shall be submitted to trial by jury or by Court.

12. _____ shall be the alternate date which this cause may be tried by jury.

13._____ shall be the date on which the counsel for the parties attend a conference of attorneys as contemplated by Indiana Rules of Trial Procedure.

14._____ shall be the date on which the Court will hold its Pre-Trial conference pursuant to Trial Rule 16 of the Indiana Rules of Trial Procedure.

15._____ shall be the date to give Statement of Facts to Court.

APPENDIX B
IN THE VANDERBURGH SUPERIOR COURT
2008 TERM

The Judges of the Vanderburgh Superior Court have fixed and now publish the following schedule of assignment for the 2008 Term of the Court.

Week of		Div. I Civil	Div. II Crim.	Div. III Civil	Div. IV Dom. Rel.	Div. V Civil	Div. VI Crim.
Jan.	7	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
	14	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
	21	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
	28	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
Feb.	4	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
	11	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
	18	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
	25	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
Mar.	3	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
	10	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
	17	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
	24	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
	31	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
Apr.	7	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
	14	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
	21	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
	28	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
May	5	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
	12	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
	19	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
	26	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
June	2	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
	9	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
	16	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
	23	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
	30	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
July	7	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
	14	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
	21	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
	28	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
Aug.	4	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
	11	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
	18	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
	25	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
Sept.	1	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
	8	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
	15	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
	22	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
	29	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
Oct.	6	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
	13	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
	20	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
	27	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
Nov.	3	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
	10	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
	17	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
	24	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
Dec.	1	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
	8	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
	15	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
	22	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
	29	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman

Magistrate Schedule 2008

Month	Misdemeanor Court	Small Claims	Div IV	Juvenile Court	Other
January	Marcum	Hamilton	Maurer	Cain	D'Amour
February	D'Amour	Marcum	Hamilton	Cain	Maurer
March	Maurer	D'Amour	Marcum	Cain	Hamilton
April	Hamilton	Maurer	D'Amour	Cain	Marcum
May	Marcum	Hamilton	Maurer	Cain	D'Amour
June	D'Amour	Marcum	Hamilton	Cain	Maurer
July	Maurer	D'Amour	Marcum	Cain	Hamilton
August	Hamilton	Maurer	D'Amour	Cain	Marcum
September	Marcum	Hamilton	Maurer	Cain	D'Amour
October	Hamilton	D'Amour	Marcum	Cain	Maurer
November	Maurer	Marcum	D'Amour	Cain	Hamilton
December	D'Amour	Maurer	Hamilton	Cain	Marcum